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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 2004-66

13 **STEPHANIE LEI LANDA, a.k.a.**
14 **STEPHANIE LEI PAGE**
6505 Reflection Drive, Apt. 108
15 San Diego, CA 92124

PETITION TO REVOKE PROBATION

16 **Registered Nurse License No. 580634**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Petition to Revoke Probation
22 solely in her official capacity as the Interim Executive Officer of the Board of Registered
23 Nursing, Department of Consumer Affairs.

24 2. On or about May 8, 2001, the Board of Registered Nursing issued Registered Nurse
25 License Number 580634 to Stephanie Lei Page, also known as Stephanie Lei Landa
26 (Respondent). The Registered Nurse License was in effect at all times relevant to the charges
27 brought herein and will expire on November 30, 2010, unless renewed.

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3. In a prior disciplinary action entitled *In the Matter of the Petition for Reinstatement Against Stephanie Page*, Case No. OAH No. 2009050961, the Board of Registered Nursing issued a decision, effective August 27, 2009, in which Respondent's petition for reinstatement was granted and Respondent's revoked Registered Nurse license was reinstated. The Registered Nurse License was immediately revoked, with the revocation stayed and Respondent placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Code section 2811(b) provides, in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

8. This Petition to Revoke Probation is brought under the authority of Board Decision No. 2009050961, which provides in pertinent part as follows:

IT IS HEREBY ORDERED that revoked Registered Nurse License No. 580634 issued to Stephanie Page is Reinstated. However, said license shall be immediately revoked, with revocation stayed and petitioner placed on probation for a period of three (3) years on the conditions below.

...

(12) **Violation of Probation.** If a petitioner violates the conditions of her probation, the Board after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of petitioner's license.

1 If during the period of probation, an accusation or petition to revoke
2 probation has been filed against petitioner's license or the Attorney General's
3 Office has been requested to prepare an accusation or petition to revoke probation
4 against petitioner's license, the probationary period shall automatically be
5 extended and shall not expire until the accusation or petition has been acted upon
6 by the Board.

7 PETITION TO REVOKE PROBATION

8 9. Grounds exist for revoking the probation and reimposing the order of revocation of
9 Respondent's Registered Nurse License No. 580634 pursuant to Condition 12 set forth above.

10 10. Respondent has violated the conditions of her probation as set forth in the following
11 paragraphs:

12 FIRST CAUSE TO REVOKE PROBATION

13 (Failure to Comply with the Board's Probation Program)

14 11. At all times after the effective date of Respondent's probation, Condition 2 stated in
15 pertinent part, that during the period of probation, Respondent shall fully comply with the terms
16 and conditions of her probation.

17 12. Respondent's probation is subject to revocation because she failed to comply with
18 Probation Condition 2, referenced above in that she failed to comply with conditions 5, 12, 14,
19 15, 17 and 18, the circumstances of which are set forth more fully below.

20 SECOND CAUSE TO REVOKE PROBATION

21 (Failure to Submit Written Reports)

22 13. At all times after the effective date of Respondent's probation, Condition 5 stated:

23 Petitioner, during the period of probation, shall submit or cause to be
24 submitted such written reports/declarations and verifications of actions under
25 penalty of perjury, as required by the Board. These reports/declarations shall
26 contain statements relative to petitioner's compliance with all the conditions of the
27 Board's Probation Program. Petitioner shall immediately execute all release of
28 information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory
agency in every state and territory in which she has a registered nurse license.

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1 14. Respondent's probation is subject to revocation for failure to comply with Probation
2 Condition 5, referenced above. The facts and circumstances are as follows:

- 3 (a) Respondent failed to submit a quarterly report for the period October 1, 2009 through
4 December 31, 2009.
- 5 (b) Respondent failed to submit a Physical Exam Report by a doctor with chemical
6 dependency experience by the due date of October 11, 2009.
- 7 (c) Respondent failed to submit her ongoing treatment report that was due on October 11,
8 2009.
- 9 (d) Respondent failed to submit her random drug screening acknowledgement that was due
10 on September 10, 2009.
- 11 (e) Respondent failed to provide reports of attendance for nurse support group meetings.
- 12 (f) Respondent failed to provide reports of attendance at AA/NA meetings.

13 THIRD CAUSE TO REVOKE PROBATION

14 (Failure to Complete Physical Examination)

15 15. At all times after the effective date of Respondent's probation, Condition 14 stated:

16 Within 45 days of the effective date of this decision, petitioner, at her
17 expense, shall have a licensed physician, nurse practitioner, or physician assistant,
18 who is approved by the Board before the assessment is performed, submit an
19 assessment of petitioner's physical condition and capability to perform the duties
20 of a registered nurse. Such an assessment shall be submitted in a format acceptable
21 to the Board. If medically determined, a recommended treatment program will be
22 instituted and followed by petitioner with the physician, nurse practitioner, or
23 physician assistant providing written reports to the Board on forms provided by the
24 Board.

25 If petitioner is determined to be unable to practice safely as a registered
26 nurse, the licensed physician, nurse practitioner, or physician assistant making this
27 determination shall immediately notify the Board and petitioner by telephone, and
28 the Board shall request that the Attorney General's office prepare an accusation or
petition to revoke probation. Petitioner shall immediately cease practice and shall
not resume practice until notified by the Board. During this period of suspension,
petitioner shall not engage in any practice for which a license issued by the Board
is required until the Board has notified petitioner that a medical determination
permits petitioner to resume practice. This period of suspension will not apply to
the reduction of this probationary time period.

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1 If petitioner fails to have the above assessment submitted to the Board within
2 the 45-day requirement, petitioner shall immediately cease practice and shall not
3 resume practice until notified by the Board. This period of suspension will not
4 apply to the reduction of this probationary time period. The Board may waive or
5 postpone this suspension only if significant, documented evidence of mitigation is
6 provided. Such evidence must establish good faith efforts by petitioner to obtain
7 the assessment, and a specific date for compliance must be provided. Only one
8 such waiver or extension may be permitted.

6 16. Respondent's probation is subject to revocation because she failed to comply with
7 Probation Condition 14, referenced above in that she failed to submit to a physical examination
8 completed by a Board-approved physician.

9 FOURTH CAUSE TO REVOKE PROBATION

10 (Failure to Attend Nurse Support Group Meeting and AA/NA Meetings)

11 17. At all times after the effective date of Respondent's probation, Condition 15 stated:

12 Petitioner, at her expense, shall successfully complete during the
13 probationary period or shall have successfully completed prior to commencement
14 of probation a Board-approved treatment/rehabilitation program of at least six
15 months duration. As required, reports shall be submitted by the program on forms
16 provided by the Board. If petitioner has not completed a Board-approved
17 treatment/rehabilitation program prior to commencement of probation, petitioner,
18 within 45 days from the effective date of the decision, shall be enrolled in a
19 program. If a program is not successfully completed within the first nine months
20 of probation, the Board shall consider petitioner in violation of probation.

18 Based on Board recommendation, each week petitioner shall be required to
19 attend at least one, but no more than five 12-step recovery meetings or equivalent
20 (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support
21 group as approved and directed by the Board. If a nurse support group is not
22 available, an additional 12-step meeting or equivalent shall be added. Petitioner
23 shall submit dated and signed documentation confirming such attendance to the
24 Board during the entire period of probation. Petitioner shall continue with the
25 recovery plan recommended by the treatment/rehabilitation program or a licensed
26 mental health examiner and/or other ongoing recovery groups.

24 18. Respondent's probation is subject to revocation because she failed to comply with
25 Probation Condition 15, referenced above in that she failed to attend at least one nurse support
26 group meeting and one Narcotics Anonymous/Alcoholics Anonymous meeting per week.

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1 FIFTH CAUSE TO REVOKE PROBATION

2 (Failure to Submit to Tests and Samples)

3 19. At all times after the effective date of Respondent's probation, Condition 17 stated:

4 Petitioner, at her expense, shall participate in a random, biological fluid
5 testing or a drug screening program which the Board approves. The length of time
6 and frequency will be subject to approval by the Board. Petitioner is responsible
7 for keeping the Board informed of petitioner's current telephone number at all
8 times. Petitioner shall also ensure that messages may be left at the telephone
9 number when she is not available and ensure that reports are submitted directly by
the testing agency to the Board, as directed. Any confirmed positive finding shall
be reported immediately to the Board by the program and petitioner shall be
considered in violation of probation.

10 In addition, petitioner, at any time during the period of probation, shall fully
11 cooperate with the Board or any of its representatives, and shall, when requested,
12 submit to such tests and samples as the Board or its representatives may require for
the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled
substances.

13 If petitioner has a positive drug screen for any substance not legally
14 authorized and not reported to the coordinating physician, nurse practitioner, or
15 physician assistant, and the Board files a petition to revoke probation or an
16 accusation, the Board may suspend petitioner from practice pending the final
decision on the petition to revoke probation or the accusation. This period of
suspension will not apply to the reduction of this probationary time period.

17 If petitioner fails to participate in a random, biological fluid testing or drug
18 screening program within the specified time frame, petitioner shall immediately
19 cease practice and shall not resume practice until notified by the Board. After
20 taking into account documented evidence of mitigation, if the Board files a petition
21 to revoke probation or an accusation, the Board may suspend petitioner from
practice pending the final decision on the petition to revoke probation or the
accusation. This period of suspension will not apply to the reduction of this
probationary time period.

22 20. Respondent's probation is subject to revocation because she failed to comply with
23 Probation Condition 17, referenced above in that she failed to enroll in drug screening testing by
24 the due date of September 10, 2009.

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1 SIXTH CAUSE TO REVOKE PROBATION

2 (Failure to Complete Mental Health Examination)

3 21. At all times after the effective date of Respondent's probation, Condition 18 stated:

4 Petitioner shall, within 45 days of the effective date of this Decision, have a
5 mental health examination including psychological testing as appropriate to
6 determine her capability to perform the duties of a registered nurse. The
7 examination will be performed by a psychiatrist, psychologist or other licensed
8 mental health practitioner approved by the Board. The examining mental health
9 practitioner will submit a written report of that assessment and recommendations
10 to the Board. All costs are the responsibility of petitioner. Recommendations for
11 treatment, therapy or counseling made as a result of the mental health examination
12 will be instituted and followed by petitioner.

13 If petitioner is determined to be unable to practice safely as a registered
14 nurse, the licensed mental health care practitioner making this determination shall
15 immediately notify the Board and petitioner by telephone, and the Board shall
16 request that the Attorney General's office prepare an accusation or petition to
17 revoke probation. Petitioner shall immediately cease practice and may not resume
18 practice until notified by the Board. During this period of suspension, petitioner
19 shall not engage in any practice for which a license issued by the Board is
20 required, until the Board has notified petitioner that a mental health determination
21 permits petitioner to resume practice. This period of suspension will not apply to
22 the reduction of this probationary time period.

23 If petitioner fails to have the above assessment submitted to the Board within
24 the 45-day requirement, petitioner shall immediately cease practice and shall not
25 resume practice until notified by the Board. This period of suspension will not
26 apply to the reduction of this probationary time period. The Board may waive or
27 postpone this suspension only if significant, documented evidence of mitigation is
28 provided. Such evidence must establish good faith efforts by petitioner to obtain
the assessment, and a specific date for compliance must be provided. Only one
such waiver or extension may be permitted.

21 22. Respondent's probation is subject to revocation because she failed to comply with
22 Probation Condition 18, referenced above in that she failed to complete a mental health
23 examination and submit the mental health exam form and narrative report by the due date of
24 October 11, 2009.

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1 SEVENTH CAUSE TO REVOKE PROBATION

2 (Failure to Comply with Conditions of Probation)

3 23. At all times after the effective date of Respondent's probation, Condition 12 stated:

4 If a petitioner violates the conditions of her probation, the Board after giving
5 petitioner notice and an opportunity to be heard, may set aside the stay order and
6 impose the stayed discipline (revocation) of petitioner's license.

7 If during the period of probation, an accusation or petition to revoke
8 probation has been filed against petitioner's license or the Attorney General's
9 Office has been requested to prepare an accusation or petition to revoke probation
10 against petitioner's license, the probationary period shall automatically be
11 extended and shall not expire until the accusation or petition has been acted upon
12 by the Board.

13 24. Respondent's probation is subject to revocation because she failed to comply with
14 Probation Condition 12, referenced above in that she failed to comply with the conditions of her
15 probation, specifically, Probation Condition numbers 2, 5, 14, 15, 17 and 18 as set forth above.

16 DISCIPLINE CONSIDERATIONS

17 (Prior Board Discipline)

18 25. To determine the degree of discipline, if any, to be imposed on Respondent,
19 Complainant alleges that on or about April 17, 2004, in a prior disciplinary action entitled *In the*
20 *Matter of the Accusation Against: Stephanie Lei Page* before the Board in Case No. 2004-66,
21 Respondent's license was revoked for convictions in two separate criminal cases for violating
22 Vehicle Code section 23152(b), driving while having a measureable blood alcohol level and for
23 consumption of alcohol in a manner dangerous or injurious to self and others. That decision is
24 now final.

25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Registered Nursing issue a decision:

28 1. Revoking the probation that was granted by the Board of Registered Nursing in Case
No. 2004-66 and imposing the disciplinary order that was stayed thereby revoking Registered
Nurse License No. 580634 issued to Stephanie Lei Landa, also known as Stephanie Lei Page;

3. Taking such other and further action as deemed necessary and proper.

DATED: 5-17-10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

Decision and Order

Board of Registered Nursing Case No. 2004-66

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Reinstatement of:

STEPHANIE PAGE,

Petitioner.

OAH No. 2009050961

DECISION

On June 11, 2009, a quorum of the Board of Registered Nursing (Board) heard this matter in Sacramento, California. Administrative Law Judge Ann Elizabeth Sarli, Office of Administrative Hearings, State of California, presided.

Brian Turner, Deputy Attorney General, represented the Attorney General of California.

Stephanie Page represented herself.

The matter was submitted on June 11, 2009.

FACTUAL FINDINGS

1. On May 8, 2001, the Board issued Registered Nurse License No. 580634 to Stephanie Lei Page (petitioner). Petitioner was also licensed as a registered nurse in Arizona.

2. On January 20, 2003, the Arizona State Board of Nursing (Arizona Board), in a disciplinary proceeding issued a Consent Agreement and Order entering a Decree of Censure against petitioner's license. The Decree of Censure was based upon the fact that on March 16, 2001, petitioner was terminated from University Medical Center for administering oxygen to a patient without doctor's orders and entering late entries into the patient's charts.

3. On September 17, 2003, the Executive Officer of the Board made an Accusation No. 2004-66 against petitioner, alleging that her license was subject to discipline on the ground that her Arizona nursing license had been disciplined. The

Accusation also alleged that petitioner had sustained two criminal convictions on March 12, 2003, for two violations of Vehicle Code section 23152, subdivision (b), driving while having a measurable blood alcohol level (0.14 BAC). The first conviction was based on a December 10, 2002 offense. The second conviction was based on a January 23, 2003 offense. The Accusation also alleged unprofessional conduct based upon these convictions and consumption of alcohol in a manner dangerous to petitioner and the public.

4. The Accusation was duly served on petitioner and she failed to file a Notice of Defense. The Board issued a Default Decision And Order (Order), pursuant to Government Code section 11520, effective April 17, 2004. The Order revoked petitioner's registered nurse license.

5. On April 23, 2009, petitioner submitted to the Board a Petition for Reinstatement or Reduction of Penalty (petition) requesting reinstatement of her registered nurse license. Petitioner requests reinstatement so that she can return to work as a nurse in California.

6. Petitioner completed five years of probation for her criminal convictions. She also complied with probationary terms (contract) ordered by the Arizona Board in 2007 and has one more year to complete it. Pursuant to court ordered probation, she completed a 21-month DUI program. She completed two MADD courses and attended 124 (Alcoholics Anonymous (AA) meetings. She considers her sobriety date to be July 4, 2003. She has completed three and a half years of 12 panel drug and alcohol screens without any positive results. She completed an initial drug evaluation by the Arizona Board approved addictionist. She has had ongoing evaluations in an alcohol treatment program and completed a relapse prevention and aftercare program.

7. Petitioner has enrolled in a 72-hour refresher course which commenced June 20, 2009. She has completed 24.5 hours in continuing education credits.

8. Petitioner submitted multiple documents supporting these accomplishments. Petitioner was a credible and persuasive witness. Petitioner also submitted several letters of reference dated in 2004 regarding her good character. These letters are not considered herein as evidence of rehabilitation, as they are not recent and were written less than two years after the petitioner's driving under the influence convictions.

LEGAL CONCLUSIONS

1. Pursuant to Business and Professions Code section 2739, the Board has the authority to revoke any license where factual and legal causes for disciplinary action have been proved.

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2. Under Business and Professions Code section 2760 et seq., the Board has the authority to reinstate a license and restrict or limit that license for such a period of time as the Board deems necessary to safeguard the public.

3. California Code of Regulations, title 16, sections 1445 and 1445.1, provide that the burden of proving rehabilitation rests with the applicant for reinstatement. As set forth in the Findings, petitioner has established that she has made great progress in rehabilitating herself from the conduct which led to her license revocation.

4. As set forth in the Findings, cause was established pursuant to Business and Professions Code section 2760 and Government Code section 11522, to reinstate petitioner's license, on terms and conditions designed to monitor her practice and protect the public.

ORDER

Petitioner's Petition to Reinstate Revoked License is GRANTED. IT IS **HEREBY ORDERED** that revoked Registered Nurse License No. 580634 issued to Stephanie Page is Reinstated. However, said license shall be immediately revoked, with revocation stayed and petitioner placed on probation for a period of three (3) years on the conditions below.

CONDITIONS OF PROBATION¹

SEVERABILITY CLAUSE

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Petitioner shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by petitioner to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, petitioner shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

¹ The numbering of the conditions of probation conforms to the numbering of conditions as they appear in the Board's Recommended Guidelines for Disciplinary Orders and Conditions of Probation.

CRIMINAL COURT ORDERS: If petitioner is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Petitioner shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of petitioner's compliance with the Board's Probation Program. Petitioner shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, petitioner's license shall be fully restored.

(3) REPORT IN PERSON - Petitioner, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Petitioner's probation is tolled, if and when she resides outside of California. Petitioner must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Petitioner shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Petitioner shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Petitioner shall inform the Board if he/she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Petitioner, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to petitioner's compliance with all the conditions of the Board's Probation Program. Petitioner shall immediately execute all release of information forms as may be required by the Board or its representatives.

Petitioner shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

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(6) FUNCTION AS A REGISTERED NURSE - Petitioner, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse; or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If petitioner has not complied with this condition during the probationary term, and petitioner has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of petitioner's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS -

Petitioner shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Petitioner shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Petitioner shall provide a copy of this decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, petitioner shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Petitioner shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Petitioner shall obtain prior approval from the Board regarding petitioner's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Petitioner shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Petitioner's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours petitioner works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with petitioner at least twice during each shift worked.
- (d) Home Health Care - If petitioner is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with petitioner as required by the Board each work day. Petitioner shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by petitioner with or without petitioner present.

(9) EMPLOYMENT LIMITATIONS - Petitioner shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Petitioner shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Petitioner shall not work in any other registered nursing occupation where home visits are required.

Petitioner shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict petitioner from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Petitioner shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Petitioner shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

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If petitioner is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) NOT IMPOSED

(11) NOT APPLICABLE

(12) VIOLATION OF PROBATION - If a petitioner violates the conditions of her probation, the Board after giving petitioner notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of petitioner's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against petitioner's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against petitioner's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(13) LICENSE SURRENDER - During petitioner's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, petitioner may surrender her license to the Board. The Board reserves the right to evaluate petitioner's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, petitioner will no longer be subject to the conditions of probation.

Surrender of petitioner's license shall be considered a disciplinary action and shall become a part of petitioner's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- (1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
- (2) One year for a license surrendered for a mental or physical illness.

(14) PHYSICAL EXAMINATION - Within 45 days of the effective date of this decision, petitioner, at her expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of petitioner's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by petitioner with the physician, nurse

practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and petitioner by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Petitioner shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, petitioner shall not engage in any practice for which a license issued by the Board is required until the Board has notified petitioner that a medical determination permits petitioner to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to have the above assessment submitted to the Board within the 45-day requirement, petitioner shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by petitioner to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

(15) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Petitioner, at her expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If petitioner has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, petitioner, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider petitioner in violation of probation.

Based on Board recommendation, each week petitioner shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Petitioner shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Petitioner shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

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(16) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS -
Petitioner shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Petitioner shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, petitioner's prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Petitioner shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of petitioner's history of substance abuse and will coordinate and monitor any prescriptions for petitioner for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis petitioner's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

(17) SUBMIT TO TESTS AND SAMPLES - Petitioner, at her expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Petitioner is responsible for keeping the Board informed of petitioner's current telephone number at all times. Petitioner shall also ensure that messages may be left at the telephone number when he/she is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and petitioner shall be considered in violation of probation.

In addition, petitioner, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If petitioner has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If petitioner fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, petitioner shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may suspend petitioner from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

(18) MENTAL HEALTH EXAMINATION - Petitioner shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine her capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the petitioner. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by the petitioner.

If petitioner is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and petitioner by telephone, and the Board shall request that the Attorney General's Office prepare an accusation or a petition to revoke probation. Petitioner shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

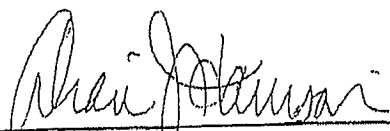
If the respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by the respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

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REGISTERED NURSING
SACRAMENTO

(19) THERAPY OR COUNSELING PROGRAM - Petitioner, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

This decision shall become effective on the 27th of August, 2009.

IT IS SO ORDERED this 28th of July, 2009.



BOARD OF REGISTERED NURSING
Department of Consumer Affairs
State of California

1 BILL LOCKYER, Attorney General
of the State of California
2 MARGARET A. LAFKO, State Bar No. 105921
Supervising Deputy Attorney General

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7 P.O. Box 85266
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Facsimile: (619) 645-2061
9

10
11 **BEFORE THE**
12 **BOARD OF REGISTERED NURSING**
13 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

14 In the Matter of the Accusation Against:

Case No. 2004-66

15 STEPHANIE LEI PAGE
16 P. O. Box 900608
San Diego, California 92190

17 Registered Nurse No. 580634

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

18 Respondent.
19

20 **FINDINGS OF FACT**

21 1. On or about September 17, 2003, Complainant Ruth Ann Terry, M.P.H.,
22 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs, filed Accusation No. 2004-66 against STEPHANIE LEI PAGE
24 (Respondent) before the Board of Registered Nursing.

25 2. On or about May 8, 2001, the Board of Registered Nursing (Board) issued
26 Registered Nurse No. 580634 to Respondent. The Registered Nurse was in full force and effect
27 at all times relevant to the charges brought herein and will expire on November 30, 2004, unless
28 renewed.

1 3. On or about September 25, 2003, Veronica Cruz, an employee of the
2 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
3 2004-66, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
4 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,
5 which was and is P. O. Box 900608, San Diego, California, 92190. A copy of the Accusation,
6 the related documents, and Declaration of Service are attached as Exhibit A, and are
7 incorporated herein by reference.

8 4. Service of the Accusation was effective as a matter of law under the
9 provisions of Government Code section 11505, subdivision (c).

10 5. On or about September 30, 2003, the regular mailing of the
11 aforementioned documents was returned by the U.S. Postal Service marked "Return to
12 Sender-No Forwarding Order On File-Unable to Forward." [A copy of the certified postal
13 document is attached and not mailed but was returned by the Post Office as having an outdated
14 certified tag.] A copy of the postal returned documents is attached hereto as Exhibit B, and are
15 incorporated herein by reference.

16 6. Government Code section 11506 states, in pertinent part:

17 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
19 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
20 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

21 7. Respondent failed to file a Notice of Defense within 15 days after service
22 upon her of the Accusation, and therefore waived her right to a hearing on the merits of
23 Accusation No. 2004-66.

24 8. California Government Code section 11520 states, in pertinent part:

25 "(a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions or
27 upon other evidence and affidavits may be used as evidence without any notice to
28 respondent."

1 9. Pursuant to its authority under Government Code section 11520, the Board
2 finds Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 exhibits A, B and C, finds that the allegations in Accusation No. 2004-66 are true.

5 10. The total costs for investigation and enforcement are \$503.50 as of
6 October 15, 2003, and attached as Exhibit C.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent STEPHANIE LEI
9 PAGE has subjected her Registered Nurse No. 580634 to discipline.

10 2. A copy of the Accusation and the related documents and Declaration of
11 Service are attached.

12 3. The agency has jurisdiction to adjudicate this case by default.

13 4. The Board of Registered Nursing is authorized to revoke Respondent's
14 Registered Nurse based upon the following violations alleged in the Accusation:

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Crime)**

17 a. Respondent is subject to disciplinary action under section 2761(f) in that
18 on or about March 12, 2003, Respondent was convicted on her plea of guilty of violating Vehicle
19 Code section 23152(b)-driving while having a measurable blood alcohol, a misdemeanor, in the
20 case entitled, *Superior Court of California, County of San Diego, People v. Stephanie Lei Page*,
21 Case No. C226808.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Conviction of a Crime)**

24 b. Respondent is subject to disciplinary action under section 2761(f) in that
25 on or about March 12, 2003, Respondent was convicted on her plea of guilty of violating Vehicle
26 Code section 23152(b)-driving while having a measurable blood alcohol, a misdemeanor, in the
27 case entitled, *Superior Court of California, County of San Diego, People v. Stephanie Lei Page*,
28 Case No. M886535.

1 THIRD CAUSE FOR DISCIPLINE

2 (Consumption of Alcohol in a Manner Dangerous or Injurious To Herself or the Public)

3 c. Respondent is subject to disciplinary action under section 2762(b) in that
4 Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious to
5 the public or to herself.

6 FOURTH CAUSE FOR DISCIPLINE

7 (Conviction of Crimes Involving the Consumption of Alcohol)

8 d. Respondent is subject to disciplinary action under section 2762(c) in that
9 Respondent was convicted of crimes involving the consumption of alcohol.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 e. Respondent is subject to disciplinary action under section 2761(a) in that
13 Respondent was convicted of crimes substantially related to the qualifications, functions and
14 duties of a licensee and consumed alcoholic beverages to an extent or in a manner dangerous to
15 the public or to herself.

16 SIXTH CAUSE FOR DISCIPLINE

17 (Out of State Discipline)

18 f. Respondent is subject to disciplinary action under section 2761(a)(4) in
19 that on or about January 20, 2003, in a disciplinary proceeding before the Arizona State Board of
20 Nursing entitled, *In the Matter of Professional Nurse License No. RN090090 Issued to Stephanie*
21 *Lei Page*, Consent Agreement and Order No. 0103161, did enter a Decree of Censure against
22 License No. RN090090 held by Respondent.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS SO ORDERED that Registered Nurse No. 580634, heretofore issued to Respondent STEPHANIE LEI PAGE, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 17, 2004.

It is so ORDERED March 18, 2004

Landra R. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

Exhibit A: Accusation No.2004-66, Related Documents, and Declaration of Service.

Exhibit B: Postal Return Documents

Exhibit C: Certification of Costs

DOJ docket number:03579110-SD2003800356

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Exhibit A
Accusation No. 2004-66,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
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9
10
11

12 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2004-66

15 STEPHANIE LEI PAGE
P. O. Box 900608
16 San Diego, California 92190

ACCUSATION

17 Registered Nurse License No. 580634

18 Respondent.
19

20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs.

25 2. On or about May 8, 2001, the Board of Registered Nursing issued
26 Registered Nurse License Number 580634 to STEPHANIE LEI PAGE (Respondent). The
27 Registered Nurse was in full force and effect at all times relevant to the charges brought herein
28 and will expire on November 30, 2004, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

"...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

6. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"...

///

1 “(b) Use any controlled substance as defined in Division 10 (commencing with
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
4 injurious to himself or herself, any other person, or the public or to the extent that such use
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her
6 license.

7 “(c) Be convicted of a criminal offense involving the prescription, consumption,
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this
9 section, or the possession of, or falsification of a record pertaining to, the substances described in
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
11 thereof.”

12 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
13 request the administrative law judge to direct a licentiate found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Crime)**

18 8. Respondent is subject to disciplinary action under section 2761(f) in that
19 on or about March 12, 2003, Respondent was convicted on her plea of guilty of violating Vehicle
20 Code section 23152(b)—driving while having a measurable blood alcohol, a misdemeanor, in the
21 case entitled, *Superior Court of California, County of San Diego, People v. Stephanie Lei Page*,
22 Case No. C226808. The circumstances are as follows:

23 9. On or about December 10, 2002, in the County of San Diego, Respondent
24 did willfully and unlawfully, while having 0.14% BAC in her blood, drive a vehicle. Respondent
25 was placed on 5 years summary probation, ordered to pay a fine and penalty assessment of
26 \$1,680.00, ordered to complete the First Conviction Program, and ordered to attend MADD
27 meetings.

28 ///

1 duties of a licensee and consumed alcoholic beverages to an extent or in a manner dangerous to
2 the public or to herself, as described in Paragraphs 8, 9, 10, 11, 12, and 13, above.

3 SIXTH CAUSE FOR DISCIPLINE

4 (Out of State Discipline)

5 15. Respondent is subject to disciplinary action under section 2761(a)(4) in
6 that on or about January 20, 2003, in a disciplinary proceeding before the Arizona State Board of
7 Nursing entitled, *In the Matter of Professional Nurse License No. RN090090 Issued to Stephanie*
8 *Lei Page*, Consent Agreement and Order No. 0103161, did enter a Decree of Censure against
9 License No. RN090090 held by Respondent. The circumstances are as follows:

10 16. On or about March 16, 2001, Respondent was terminated from University
11 Medical Center for administering oxygen to a patient without doctor's orders and entering late
12 entries into the patient's charts.

13 PRAYER


14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 580634, issued
17 to STEPHANIE LEI PAGE;

18 2. Ordering STEPHANIE LEI PAGE to pay the Board of Registered Nursing
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 9/17/03

23 
24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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